

**ADJOURNMENT**

On motion of Senator Snelson the Senate at 11:07 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, April 13, 1981.

**APPENDIX**

Signed by Governor  
(April 7, 1981)

**S.C.R. 59**

**H.C.R. 123**

Signed by Governor  
(April 8, 1981)

**S.B. 596**      Effective immediately

**S.B. 720**      Effective immediately

**H.B. 511**      Effective immediately

**S.C.R. 5**

Signed by Governor  
(April 9, 1981)

**H.C.R. 42**

Sent to Governor  
(April 9, 1981)

**S.B. 325**

**S.B. 331**

**S.B. 741**

**FIFTY-SECOND DAY**  
(Monday, April 13, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Absent-excused: Wilson.

A quorum was announced present.

Senator Mike Richards offered the invocation as follows:

Father, we first want to thank You for this time of year, the beautiful new life that's evident in the trees and grass, and we thank You, Father, for the new life that exists in us, and we submit ourselves to Your Will.

So, we thank You for this body of men, the talent and the ability and the dedication, and the investment of time that's here, and Father, bless our country, bless our state, bless our leaders, give us wisdom when we make our decisions.

Bless us this morning in Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 9, 1981, was dispensed with and the Journal was approved.

#### LEAVE OF ABSENCE

Senator Wilson was granted leave of absence for today on account of illness on motion of Senator Meier.

#### MESSAGE FROM THE HOUSE

House Chamber  
April 13, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 205.** Relating to the participation by cities and unincorporated areas in a regional transportation authority in metropolitan areas. (With amendments)

**S.B. 389.** Relating to the disposition of revenue collected or received by the railroad commission.

**S.B. 484.** Relating to the licensing and regulation of real estate brokers and real estate salesmen. (With amendments)

**H.B. 793.** Relating to regulation of vehicles hauling loose materials.

**H.B. 1000.** Relating to sports and commercial activities involving redfish, speckled sea trout, and game fish.

**H.B. 1182.** Relating to the annexation of territory by certain junior college districts.

**H.B. 1843.** Relating to the duty of a city to maintain or improve certain property dedicated to public use.

The House has adopted the Conference Committee Report on **H.B. 1341** by a vote of 124 ayes, 7 noes, 1 present-not voting.

Passed, subject to Art. III, Sec. 49a, Texas Constitution

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.H.B. 1228 (Read first time)

C.S.S.B. 897 (Read first time)

C.S.S.B. 550 (Read first time)

S.B. 913 (Amended)

#### SENATE BILLS ON FIRST READING

On motion of Senator Parker and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1204 by Parker Intergovernmental Relations  
Relating to validation of the incorporation, boundaries, and governmental proceedings of general law municipalities.

S.B. 1205 by Mengden Economic Development  
Relating to the protection of convenience store workers; providing penalties.

S.B. 1206 by Truan Intergovernmental Relations  
Relating to the jurisdiction of the county courts at law in Nueces County.

S.B. 1207 by Howard State Affairs  
Relating to the composition and operations of the Sunset Advisory Commission.

S.B. 1208 by Mengden Jurisprudence  
Relating to regulation of private process servers; providing penalties.

#### HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 196, To Committee on Jurisprudence.

H.B. 247, To Committee on State Affairs.

H.B. 375, To Committee on Jurisprudence.

H.B. 790, To Committee on State Affairs.

H.B. 825, To Committee on Economic Development.

H.B. 917, To Committee on Finance.

H.B. 1030, To Committee on State Affairs.

H.B. 1391, To Committee on State Affairs.

H.B. 1559, To Committee on Finance.

**SENATE RESOLUTION 492**

Senator Williams offered the following resolution:

**S.R. 492**, Commending the many accomplishments of the North Channel Area Chamber of Commerce.

The resolution was read and was adopted.

**GUESTS PRESENTED**

Senator Williams was recognized and presented to the Members Frank Nadolney, President of North Channel Area Chamber of Commerce and the Executive Vice-President, Bill Albright.

Senator Williams also presented as guests today the following visitors from England: David and Janet Reid, Iris and Joe Davis, Patrick and Chris Swan, Vic and Jill Kenyon, Fred and Millie Crutchelow, Betty and Gordon Sutton, and from Brazil, Angela Cunha.

Also welcomed as a guest was Mrs. Louis Muecke.

**SENATE RESOLUTION 483**

Senator Brown offered the following resolution:

**S.R. 483**, Welcoming Mr. and Mrs. A. S. (Bill) Neale.

The resolution was read and was adopted.

**GUESTS PRESENTED**

Senator Brown was recognized and introduced Mr. and Mrs. Bill Neale of England.

They were welcomed as guests of the Senate for today.

**SENATE CONCURRENT RESOLUTION 87**

Senator Farabee offered the following resolution:

**S.C.R. 87**, Congratulating Wichita Falls on being named an All-American City for 1981 by the National Municipal League.

The resolution was read and was adopted.

**SENATE RESOLUTION 496**

Senator Vale offered the following resolution:

**S.R. 496**, Inviting The Honorable Henry Cisneros, Mayor-elect of the City of San Antonio, to address the Senate.

VALE  
TRAEGER  
KOTHMANN

The resolution was read and was adopted.

**HOUSE CONCURRENT RESOLUTION 143**

The President laid before the Senate the following resolution:

**H.C.R. 143**, Inviting Vice-President George Bush to address a Joint Session of the Texas Legislature at 10:00 o'clock a.m., Friday, May 15, 1981.

The resolution was read.

On motion of Senator Mengden and by unanimous consent, the resolution was considered immediately and was adopted.

**HOUSE CONCURRENT RESOLUTION 141**

The President laid before the Senate the following resolution:

**H.C.R. 141**, In memory of Billy Max Moore, an employee of the Texas Department of Corrections.

The resolution was read.

On motion of Senator Caperton and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**HOUSE CONCURRENT RESOLUTION 142**

The President laid before the Senate the following resolution:

**H.C.R. 142**, In memory of Wallace Pack, Warden, Texas Department of Corrections.

The resolution was read.

On motion of Senator Caperton and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**SENATE RESOLUTION 499**

Senator Truan offered the following resolution:

**S.R. 499**, In memory of Joseph Louis (Joe Louis) Barrow.

The resolution was read and was adopted by a rising vote of the Senate.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
April 10, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE; REGULAR  
SESSION:

Pursuant to the provisions of Article III, Section 5 of the Constitution of Texas, I herewith submit as an emergency matter the following:

- 1). In the legislation recently passed by the Legislature, that created eighteen new district courts, and three new district attorneys, apparently funding for the new district attorneys was not included. Therefore, I declare as an emergency, an appropriation for these three new district attorneys created by the 67th Legislature.
- 2). As a result of the tragedy of the grain elevator explosion in Corpus Christi it is apparent that there is a lack of safety inspections particularly in public grain elevators. To try to insure that there are no further incidents like the one in Corpus Christi I declare as an emergency matter an appropriation of \$405,000 to the Texas Department of Health for the Division of Occupational Safety to enforce occupational safety laws in public and private grain elevators.
- 3). Retired teachers who have given long and faithful service to our state continue to be the greatest victims of inflation. The Legislature granted an emergency increase in benefits earlier this year with the understanding that further increases in benefits would be given in September. Senate Bill 322 has passed the Senate which would transfer funds to the Teacher Retirement System of Texas now to fund this increase. By doing it now the money can be invested by the Teacher Retirement System until September 1 and reduce the amount of general revenue needed to fund the increase by some \$8 million. Therefore I declare Senate Bill 322 as an emergency.

Respectfully submitted,

William P. Clements, Jr.  
Governor

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas  
April 13, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS BOARD OF HUMAN RESOURCES:

For a six-year term to expire January 20, 1987:

FREDERICK C. REHFELDT, M.D. of Millsap, Parker County, will be replacing Hilmar G. Moore of Richmond, Fort Bend County, whose term expired.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment pursuant to Senate Bill No. 596:  
TO BE DISTRICT ATTORNEY OF THE 287TH JUDICIAL DISTRICT,  
BAILEY AND PARMER COUNTIES, UNTIL THE NEXT GENERAL  
ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED  
AND QUALIFIED:

JOHNNY ACTKINSON of Farwell, Parmer County.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment pursuant to Senate Bill No. 596:  
TO BE JUDGE OF THE 286TH JUDICIAL DISTRICT COURT,  
COCHRAN AND HOCKLEY COUNTIES, UNTIL THE NEXT GENERAL  
ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED  
AND QUALIFIED:

FRANK B. KISER, JR. of Levelland, Hockley County.

Respectfully submitted,

William P. Clements, Jr.  
Governor of Texas

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1341 ADOPTED

Senator Caperton called from the President's table the Conference Committee Report on H.B. 1341. (The Conference Committee Report having been filed with the Senate and read on Wednesday, April 8, 1981.)

On motion of Senator Caperton, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Howard.

Absent-excused: Wilson.

#### COMMITTEE APPOINTED

Pursuant to the provisions of H.C.R. 15, the President appointed the following Committee to Select the State Artist: Senators Parker, Vale and Wilson.

#### SENATE BILL 630 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 630**, Relating to the establishment of a statewide system of early childhood intervention programs for certain handicapped children.

The bill was read second time and was passed to engrossment.

**SENATE BILL 630 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 630 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Wilson.

The bill was read third time and was passed.

**SENATE BILL 701 ON SECOND READING**

Senator Sarpalius asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 701**, Relating to fees to be collected by county clerks and clerks of county courts for certain services; amending Article 3930(b), Revised Civil Statutes of Texas, 1925, as amended.

There was objection.

Senator Sarpalius then moved to suspend the regular order of business and take up **S.B. 701** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Mauzy.

Absent-excused: Wilson.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 701 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 701 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.



Nays: Mauzy.

Absent-excused: Wilson.

The bill was read third time and was passed.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

#### COMMITTEE SUBSTITUTE HOUSE CONCURRENT RESOLUTION 82 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**C.S.H.C.R. 82**, Offering support of this State to the City of Atlanta in the investigation of the unexplained disappearances and murders of the children of that city.

The resolution was read second time.

Senator Brooks offered the following amendment to the resolution:

#### HOUSE CONCURRENT RESOLUTION

**WHEREAS**, Since July 1979, 23 black children in Atlanta, Georgia, have been killed and 2 others are missing in a series of crimes that has few leads and no suspects; and

**WHEREAS**, Texans join with people throughout the country in feeling horror and frustration relating to the cases and in expressing deepest sympathy to the relatives and those directly touched by the tragedies; and

**WHEREAS**, The children involved in the kidnappings and murders are all under the age of 15 and all from poor black families; many of the children were working to help support themselves and their families at the time of their fatal abductions; and

**WHEREAS**, Volunteers are currently donating both money and time in an effort to solve the cases quickly, but investigators are faced with extremely difficult questions made more complicated by the apparent lack of patterns associated with the actual killings; and

**WHEREAS**, Law enforcement officials are working ceaselessly to apprehend the murderer or murderers and to protect all Atlanta citizens, and they deserve any resources and support that can aid them in their investigations; now, therefore, be it

**RESOLVED** by the House of Representatives of the State of Texas, the Senate concurring, That the 67th Legislature hereby offer the cooperation and understanding of this state to the city of Atlanta, Georgia, to aid in the investigations of the unexplained disappearances and murders of the children of that city; and, be it further

**RESOLVED**, That Texas state agencies may provide assistance within their available resources and legal authorities, or upon request by the governor to help end the terrifying crimes.

The amendment was read and was adopted.

The resolution as amended was adopted.

**COMMITTEE SUBSTITUTE SENATE BILL 723 ON SECOND READING**

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 723**, Relating to maximum speed limits near nursing homes and hospitals.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 723 ON THIRD READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 723** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Wilson.

The bill was read third time and was passed.

**SENATE BILL 763 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 763**, Relating to the amount of payments that may be made by the Texas Youth Council to a county under certain contracts.

The bill was read second time and was passed to engrossment.

**SENATE BILL 763 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 763** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Wilson.

The bill was read third time and was passed.

**MOTION TO PLACE**

**COMMITTEE SUBSTITUTE SENATE BILL 460 ON SECOND READING**

Senator Parker moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 460**, Relating to release of a criminal defendant from detention and dismissal of a criminal action because of delay in prosecuting the criminal action.

On motion of Senator Parker and by unanimous consent, the motion to suspend the regular order of business was withdrawn.

#### **COMMITTEE SUBSTITUTE SENATE BILL 826 ON SECOND READING**

Senator Glasgow asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 826**, Relating to the requirement of consent to certain actions regarding mentally retarded persons and to the rights of mentally retarded persons.

There was objection.

Senator Glasgow then moved to suspend the regular order of business and take up **C.S.S.B. 826** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Andujar, Blake, Brooks, Caperton, Farabee, Glasgow, Howard, Jones, Kothmann, McKnight, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Williams.

Nays: Brown, Doggett, Harris, Leedom, Mauzy, Meier, Mengden, Richards, Travis, Vale.

Absent-excused: Wilson.

The bill was read second time and was passed to engrossment.

#### **RECORD OF VOTES**

Senators Doggett and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **MOTION TO PLACE**

#### **COMMITTEE SUBSTITUTE SENATE BILL 826 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 826** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 10. (Not receiving four-fifths vote of Members present)

Yeas: Andujar, Blake, Brooks, Caperton, Farabee, Glasgow, Howard, Jones, Kothmann, McKnight, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Williams.

Nays: Brown, Doggett, Harris, Leedom, Mauzy, Meier, Mengden, Richards, Travis, Vale.